IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1167/05

Yadram @ Bablu **Versus** State & Anr.

DATE OF ORDER : 12/12/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Neeraj Sharma for Mr. Anil Jain, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed assailing order dated 17th May, 2005 whereby application filed by petitioner u/s.457 Cr.P.C. for delivery of vehicle i.e. Motorcycle on superdagi to him was rejected. Against the said order, two revision petitions were preferred – one by petitioner and another by his wife Smt. Mamta. Revisional Court after examining the inter se dispute and so also the material came on record prima facie observed that Motorcycle of which petitioner wants delivery on superdagi is stated to be stridhan of Smt. Mamta and despite he being registered owner, possession of vehicle was handed over to Smt. Mamta vide order dated 1st August, 2005.

Complainant Smt. Mamta filed a written report for offence u/ss.498A & 406 IPC on which FIR was registered and during investigation, application was filed by petitioner on the premise that he being registered owner of vehicle, as such the same be handed over to him on superdagi which was

opposed by complainant wife. Learned trial Judge after taking into consideration the material dismissed the application and observed that despite he being registered owner, the manner in which chronological facts have been brought on record, clearly demonstrates that it has been purchased by complainant's father and delivered to petitioner and prima facie observed that it being stridhan of Smt. Mamta and since petitioner is facing charge u/ss.498A & 406 IPC has not considered appropriate to hand over the possession of vehicle to petitioner - against which revision petitions were preferred by petitioner as well as by his wife Smt. Mamta. The Revisional Court examined the material in detail and observed that marriage took place on 10th February, 2004 and this vehicle was purchased on 20th January, 2004 just 20 days before the marriage took place and apart from it, other material has also been placed on record to show that it was purchased by complainant's father and not by petitioner and except the fact that vehicle was registered in his name. No other material came on record which may support the contention of petitioner. In the light of material and the evidence which came on record the revisional court finally observed that his wife Smt. Mamta is entitled for delivery of possession of vehicle in question and consequently, rejected the revision petition preferred by petitioner.

This court has gone through the order impugned and does not find any infirmity which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.